

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	CRIMINAL NO. 04-10117-RWZ
)	
v.	)	VIOLATIONS:
)	
DARREN FRANKLIN,	)	21 U.S.C. § 841(a)(1) --
a/k/a "D,"	)	Possession with Intent to
	)	Distribute and Distribution
	)	Cocaine Base
)	
	)	18 U.S.C. § 2 --
	)	Aiding and Abetting
)	
	)	21 U.S.C. § 860(a) - School
	)	Zone Violation
Defendant.)	
	)	18 U.S.C. § 922(g)(1) --
	)	Felon in Possession of
	)	Ammunition

SECOND SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 21 U.S.C. § 860(a) -- School Zone Violation)

The Grand Jury charges that:

On or about May 8, 2003, at Boston, in the District of Massachusetts,

DARREN FRANKLIN, a/k/a "D",

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, within 1,000 feet of the real property comprising the George A. Lewis School, a public middle school.

The Grand Jury further charges that the offense involved 5 grams or more of a mixture or substance containing a detectable

amount of cocaine base, also known as "crack." Accordingly, 21 U.S.C. § 841(b)(1)(B)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 860(a).

COUNT TWO: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 21 U.S.C. § 860(a) -- School Zone Violation; 18 U.S.C. § 2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about July 10, 2003, at Boston, in the District of Massachusetts,

DARREN FRANKLIN, a/k/a "D",

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, within 1,000 feet of the real property comprising the George A. Lewis School, a public middle school.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 860(a), and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base)

The Grand Jury further charges that:

On or about March 12, 2004, at Randolph, in the District of Massachusetts,

DARREN FRANKLIN, a/k/a "D",

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

The Grand Jury further charges that the offense involved 5 grams or more of a mixture or substance containing a detectable amount of cocaine base, also known as "crack." Accordingly, 21 U.S.C. §§ 841(b)(1)(B)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR: (21 U.S.C. § 841(a)(1) -- Possession of Cocaine Base with Intent to Distribute)

The Grand Jury further charges that:

On or about April 15, 2004, at Brockton, in the District of Massachusetts,

DARREN FRANKLIN, a/k/a "D",

defendant herein, did knowingly and intentionally possess with intent to distribute a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

The Grand Jury further charges that the offense involved 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, also known as "crack." Accordingly, 21 U.S.C. §§ 841(b)(1)(A)(iii) is applicable to this offense.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE: (18 U.S.C. § 922(g)(1) -- Felon in Possession of Ammunition)

The Grand Jury further charges that:

On or about April 15, 2004, at Brockton, in the District of Massachusetts,

DARREN FRANKLIN, a/k/a "D",

defendant herein, having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce ammunition, to wit: 125 rounds of Winchester .40 caliber ammunition; 50 rounds of Winchester .380 caliber ammunition; 50 rounds of Winchester .357 caliber ammunition; 50 rounds of Winchester .45 caliber ammunition; 29 rounds of Federal Cartridge Company 9 millimeter ammunition; 20 rounds of Federal Cartridge Company .22 caliber ammunition; 38 rounds of Winchester .38 caliber ammunition; 29 rounds of Eldorado Cartridge Corporation .40 caliber ammunition; 41 rounds of Magtech .40 caliber ammunition; and 6 rounds of Federal Cartridge Company .40 caliber ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

Notice Of Additional Factors

The Grand Jury further charges that:

1. The defendant is responsible for at least 50, but less than 150, grams of cocaine base, also known as "crack" cocaine. Accordingly, U.S.S.G. § 2D1.1(c)(4) applies to the defendant.

2. With respect to Count One, the defendant is responsible for at least 20, but less than 35, grams of cocaine base, also known as "crack" cocaine. Accordingly, U.S.S.G. § 2D1.1(c)(6) applies to the defendant.

3. With respect to Count Two, the defendant is responsible for at least 1, but less than 2, grams of cocaine base, also known as "crack" cocaine. Accordingly, U.S.S.G. § 2D1.1(c)(11) applies to the defendant.

4. With respect to Count Three, the defendant is responsible for at least 20, but less than 35, grams of cocaine base, also known as "crack" cocaine. Accordingly, U.S.S.G. § 2D1.1(c)(6) applies to the defendant.

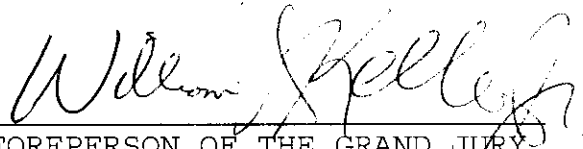
5. With respect to Count Four, the defendant is responsible for at least 50, but less than 150, grams of cocaine base, also known as "crack" cocaine. Accordingly, U.S.S.G. § 2D1.1(c)(4) applies to the defendant.

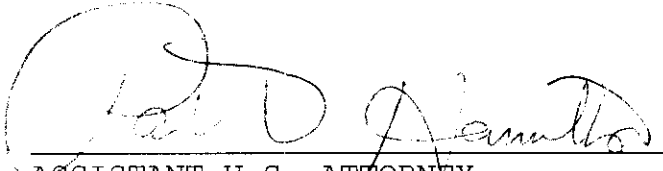
6. At the time that he committed the offenses charged in Counts One through Four, the defendant was at least 18 years old and he had at least two prior felony convictions of either a crime

of violence or a controlled substance offense. Accordingly, U.S.S.G. § 4B1.1 applies to the defendant.

7. At the time that he committed the offense charged in Count Five, the defendant had three previous convictions for a violent felony or a serious drug offense, or both, committed on occasions different from one another.

A TRUE BILL


FOREPERSON OF THE GRAND JURY


ASSISTANT U.S. ATTORNEY

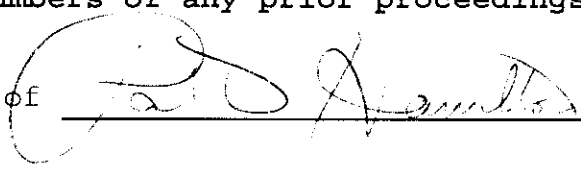
DISTRICT OF MASSACHUSETTS: October 28, 2004

Returned into the District Court by the Grand Jurors and
filed.

DEPUTY CLERK

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. X Case No. 04-10117-RWZ
Same Defendant X New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Darren Franklin Juvenile: ☐ Yes ☒ NoAlias Name DAddress 159 Pine Grove Drive, Brockton, MABirthdate: 1974 SS # _____ Sex: Male Race: African-American Nationalit USDefense Counsel if known: Jonathan Shapiro Address 90 Canal StreetBar Number _____ Boston, MA 02114**U.S. Attorney Information:**AUSA Patrick M. Hamilton Bar Number if _____Interpreter Yes ☒ No ☐ List language and/or _____Matter to be Yes ☒ No ☐Warrant ☐ Regular ☒ In Custody**Location Status:**Arrest Date April 15, 2004☒ Already in Federal _____ in Plymouth☐ Already in State Custody _____ Serving Sentence ☐☐ On Pretrial Ordered _____Charging Complaint ☐ Information ☒Total # of ☐ Petty _____ ☐ Misdemeanor ☒ Felony 5

Continue on Page 2 for Entry of U.S.C. Citations

☐ I hereby certify that the case numbers of any prior proceedings before accurately set forth above.Date October 28, 2004 Signature of 

District Court Case Number (To be filled in by _____)

Name of Darren Franklin

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set	<u>21 USC 841(a)(1)</u>	<u>Distribution of cocaine base</u>	<u>1, 2 and 3</u>
Set	<u>21 USC 860(a)</u>	<u>Distribution of cocaine base in a school zone</u>	<u>1 and 2</u>
Set	<u>18 USC 2</u>	<u>Aiding and abetting</u>	<u>2</u>
Set	<u>21 USC 841(a)(1)</u>	<u>Possession of cocaine base with intent to distribute</u>	<u>4</u>
Set	<u>18 USC 922(g)(1)</u>	<u>Felon-in-possession of ammunition</u>	<u>5</u>
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set	_____	_____	_____
Set	_____	_____	_____
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Set	_____	_____	_____

ADDITIONAL _____